

**ZB# 05-71**

**Lewis Evangelisto  
(for Detoro)**

**13-12-14.1**

ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR  
555 UNION AVENUE  
NEW WINDSOR, N.Y. 12553  
Granted 1-9-06

05-71

LEWIS EVANGELISTO (FOR DETOR  
45 MERLINE AVE. (area) (13-12-1

**NEW WINDSOR ZONING BOARD OF APPEALS**

SBL: 13-12-14.1

In the Matter of the Application of

**MEMORANDUM OF  
DECISION GRANTING**

**THOMAS DE TORO**

**AREA**

**CASE #05-71**

**WHEREAS, Mr. Lewis Evangelisto represented the , owner(s) of 45 Merline Avenue, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an**

Request for : GARAGE: .7 ft. Side Yard Setback and; 1.2 ft. Rear Yard Setback  
SHED: 7.5 ft. Side Yard Setback  
HOUSE: 17.5 ft. Front Yard Setback and; 1.5 ft. Side Yard Setback

For existing garage, shed and house at 45 Merline Avenue in an R-4 Zone (13-12-14.1)

**WHEREAS, a public hearing was held on January 9, 2006 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and**

**WHEREAS, the Applicant was represented by Mr. Lewis Evangelisto who appeared on behalf of this Application; and**

**WHEREAS, there were no spectators appearing at the public hearing; and**

**WHEREAS, no one spoke in favor of or in opposition to the Application; and**

**WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and**

**WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:**

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Times Herald Record, also as required by law.
2. The Evidence presented by the Applicant showed that:
  - (a) The property is a residential home, together with a storage shed and garage all located in a neighborhood of one Family Dwellings in an R-4 zone.

- (b) The garage has been in existence for approximately twenty years. The shed has been in place for approximately fifteen years.
- (c) The house has been in existence for approximately thirty years.
- (d) During the existence of the garage, shed and house, there have been no complaints made about any of the structures, either formally or informally.
- (e) None of the structures divert the flow of water drainage or create the ponding or collection of water.
- (f) In construction of the three structures, no trees or substantial vegetation were removed.
- (g) None of the three structures are on top of nor do they interfere with any easements, including, but not limited to water, sewer or electrical easements.
- (h) All of the structures are consistent in size and nature with the other structures in the neighborhood.
- (i) The real property in question is small and none of the three structures can be relocated given the nature of the property.

**WHEREAS,** The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.

6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance(s).

**NOW, THEREFORE, BE IT**

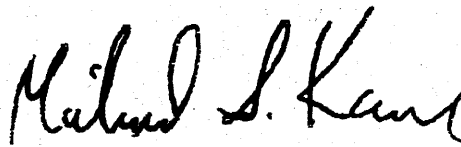
**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a Request for: GARAGE: 7 ft. Side Yard Setback and; 1.2 ft. Rear Yard Setback  
SHED: 7.5 ft. Side Yard Setback  
HOUSE: 17.5 ft. Front Yard Setback and; 1.5 ft. Side Yard Setback

For existing garage, shed and house at 45 Merline Avenue in an R-4 Zone (13-12-14.1) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: January 9, 2006



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Chairman



# **Town of New Windsor**

**555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4689**

## **OFFICE OF THE ZONING BOARD OF APPEALS**

May 30, 2006

Lewis Evangelisto (for Detoro)  
3 Francis Street  
Newburgh, NY 12550

**SUBJECT: REQUEST FOR VARIANCE #05-71**

Dear Mr. Evangelisto:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,

---

**Myra Mason, Secretary to the  
NEW WINDSOR ZONING BOARD**

**MLM:mlm**

**cc: Michael Babcock, Building Inspector**



**OFFICE OF THE BUILDING INSPECTOR  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK**

**COPY**

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

**DATE: November 3, 2005**

**APPLICANT: De Toro, Thomas W.  
45 Merline Avenue  
New Windsor, NY 12553**

*1 of 2*

**PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 9/29/05**

**FOR : Existing garage & shed**

**LOCATED AT: 45 Merline Ave.**

**ZONE: R-4 Sec/Blk/ Lot: 13-12-14.1**

**DESCRIPTION OF EXISTING SITE: Existing one-family house**

**IS DISAPPROVED ON THE FOLLOWING GROUNDS:**

- 1. Existing detached garage does not meet minimum 10' side & 10' rear-yard set back.**
- 2. Existing shed does not meet minimum 10' side-yard set back.**

  
**BUILDING INSPECTOR**

**PERMITTED**

**PROPOSED OR  
AVAILABLE:**

**VARIANCE  
REQUEST:**

**ZONE: R-4    USE: Bulk Tables 300-11-A-1-B**

**MIN LOT AREA:**

**MIN LOT WIDTH:**

**REQ'D FRONT YD:**

**REQ'D SIDE YD: Garage  
                          Shed**

**10'  
10'**

**9.3'  
2.5'**

**.7'  
7.5'**

**REQ'D TOTAL SIDE TD:**

**REQ'D REAR YD: Garage**

**10'**

**8.8'**

**1.2'**

**REQ'D FRONTAGE:**

**MAX BLDG HT:**

**FLOOR AREA RATIO:**

**MIN LIVABLE AREA:**

**DEV COVERAGE:**

**cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP**

2 of 2

**OFFICE OF THE BUILDING INSPECTOR**  
**TOWN OF NEW WINDSOR**  
**ORANGE COUNTY, NEW YORK**

**COPY**

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

**DATE: November 3, 2005**

**APPLICANT: DeToro, Thomas W.**  
**45 Merline Avenue**  
**New Windsor, NY 12553**

**PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 9/29/05**

**FOR : Existing one-family house**

**LOCATED AT: 45 Merline Ave.**

**ZONE: R-4 Sec/Blk/ Lot: 13-12-14.1**

**DESCRIPTION OF EXISTING SITE: Existing one-family house**

**IS DISAPPROVED ON THE FOLLOWING GROUNDS:**

- 1. Existing house does not meet minimum 35' front and 12' side-yard set back.**

  
**BUILDING INSPECTOR**

PERMITTED

PROPOSED OR  
AVAILABLE:

VARIANCE  
REQUEST:

ZONE: **R-4**    USE:    Bulk Tables

**MIN LOT AREA:**

**MIN LOT WIDTH:**

<b>REQ'D FRONT YD: 300-75-E-4</b>	<b>35'</b>	<b>17.5'</b>	<b>17.5'</b>
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<b>REQ'D SIDE YD: 300-75-E-7</b>	<b>12'</b>	<b>10.5'</b>	<b>1.5'</b>
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**REQ'D TOTAL SIDE TD:**

**REQ'D REAR YD:**

**REQ'D FRONTAGE:**

**MAX BLDG HT:**

**FLOOR AREA RATIO:**

**MIN LIVABLE AREA:**

**DEV COVERAGE:**

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS

IMPORTANT

YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and percolation test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

SEP 29 2005

FOR OFFICE USE ONLY:  
Building Permit #: PA2005-1061

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

X Owner of Premises THOMAS BRIDRO

✓ Address 45 MERLIN RD, NEW WINDSOR, NY Phone # 845-562-5523

✓ Mailing Address SAME Fax # \_\_\_\_\_

Name of Architect \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

Name of Contractor \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

State whether applicant is owner, lessee, agent, architect, engineer or builder \_\_\_\_\_

If applicant is a corporation, signature of duly authorized officer \_\_\_\_\_

(Name and title of corporate officer)

1. On what street is property located? On the \_\_\_\_\_ side of \_\_\_\_\_  
(N, S, E or W)  
and \_\_\_\_\_ feet from the intersection of \_\_\_\_\_

2. Zone or use district in which premises are situated \_\_\_\_\_ Is property a flood zone? Y \_\_\_\_\_ N \_\_\_\_\_

3. Tax Map Description: Section 13 Block 12 Lot 14.1

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy \_\_\_\_\_ b. Intended use and occupancy \_\_\_\_\_

5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☒ Other

Existing  
Shed

6. Is this a corner lot? \_\_\_\_\_

7. Dimensions of entire new construction. Front \_\_\_\_\_ Rear \_\_\_\_\_ Depth \_\_\_\_\_ Height \_\_\_\_\_ No. of stories \_\_\_\_\_

8. If dwelling, number of dwelling units: \_\_\_\_\_ Number of dwelling units on each floor \_\_\_\_\_

Number of bedrooms \_\_\_\_\_ Baths \_\_\_\_\_ Toilets \_\_\_\_\_ Heating Plant: Gas \_\_\_\_\_ Oil \_\_\_\_\_  
Electric/Hot Air \_\_\_\_\_ Hot Water \_\_\_\_\_ If Garage, number of cars \_\_\_\_\_

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use \_\_\_\_\_

10. Estimated cost \_\_\_\_\_ Fee \$ 50.00

**ZONING BOARD**

**PAID**  
OK # 155  
\$50.00

1 / 1  
date

APPLICATION FOR BUILDING PERMIT  
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK  
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock  
Asst. Inspectors: Frank Lal & Loula Kryohear  
New Windsor Town Hall  
555 Union Avenue  
New Windsor, New York 12653  
(845) 563-4818  
(845) 563-4895 FAX

Bldg Insp Examined \_\_\_\_\_  
Fire Insp Examined \_\_\_\_\_  
Approved \_\_\_\_\_  
Disapproved \_\_\_\_\_  
Permit No. \_\_\_\_\_

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, place or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

*Lewis S. Pringle P.O.A.*  
(Signature of Applicant)

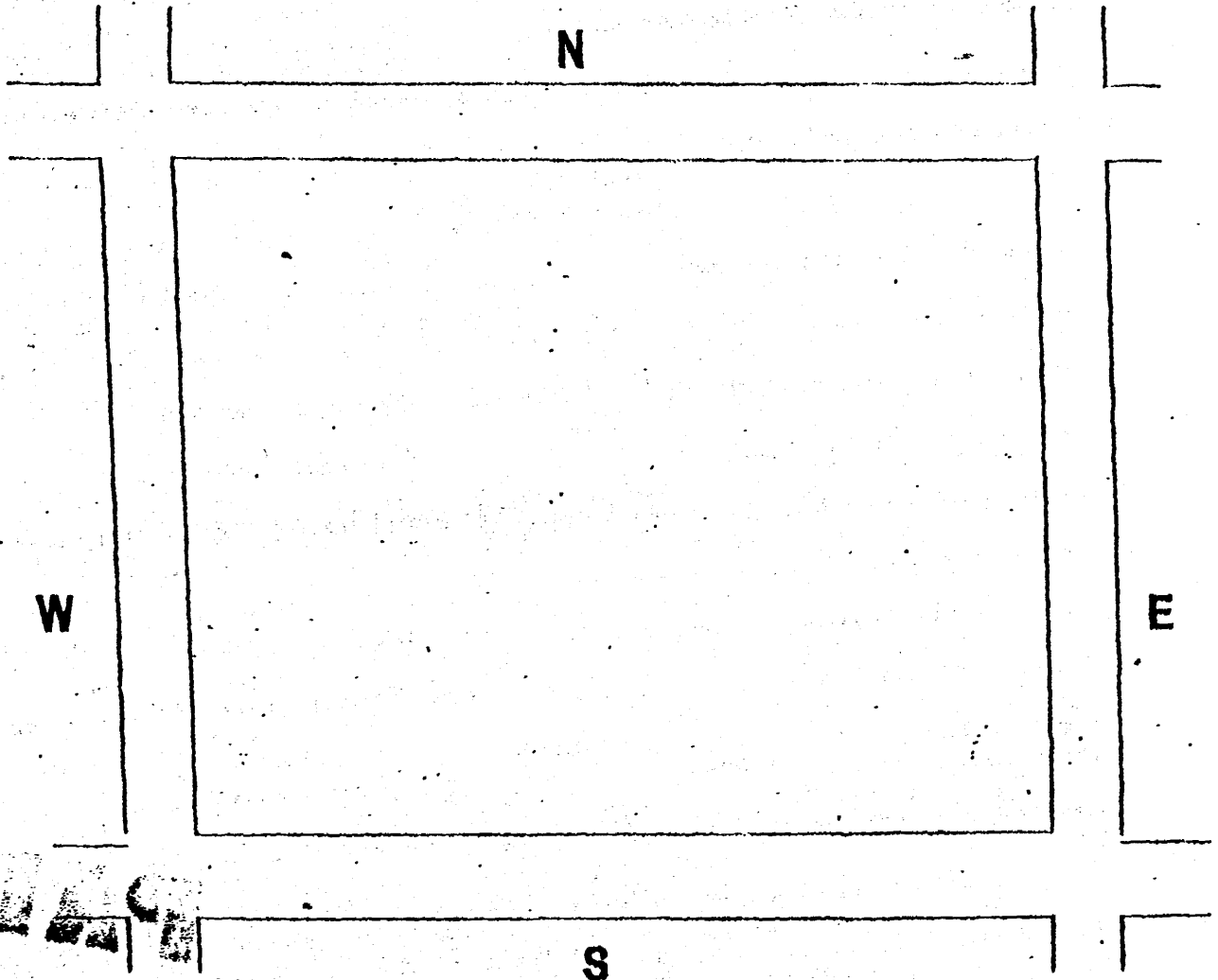
(Address of Applicant)

*Lewis S. Pringle P.O.A.*  
(Owner's Signature)

# PLOT PLAN

## NOTE:

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS  
IMPORTANT  
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF COMPLETION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be re-inspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
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SEP 06 2005

FOR OFFICE USE ONLY:  
Building Permit #: \_\_\_\_\_

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

X Owner of Premises Thomas W. DEORO LEWIS

X Address 45 MERRINE AVE., NEW WINDSOR Phone # 845-562-5323

X Mailing Address 3 FRANCIS ST, NEWBURGH, N.Y. 12550 Fax # 845-527-4459

Name of Architect \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

Name of Contractor \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

State whether applicant is owner, lessee, agent, architect, engineer or builder \_\_\_\_\_

If applicant is a corporation, signature of duly authorized officer \_\_\_\_\_  
(Name and title of corporate officer)

1. On what street is property located? On the \_\_\_\_\_ side of \_\_\_\_\_  
(N, S, E or W)  
and \_\_\_\_\_ feet from the intersection of \_\_\_\_\_

2. Zone or use district in which premises are situated \_\_\_\_\_ Is property a flood zone? Y \_\_\_\_\_ N \_\_\_\_\_

3. Tax Map Description: Section 13 Block 12 Lot 14.1

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy one Family b. Intended use and occupancy \_\_\_\_\_

5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☒ Other Renewal

6. Is this a corner lot? No

7. Dimensions of entire new construction. Front \_\_\_\_\_ Rear \_\_\_\_\_ Depth \_\_\_\_\_ Height \_\_\_\_\_ No. of stories one Family dwelling

8. If dwelling, number of dwelling units: \_\_\_\_\_ Number of dwelling units on each floor \_\_\_\_\_

Number of bedrooms 2 Baths 1 Toilets 1 Heating Plant: Gas \_\_\_\_\_  
Electric/Hot Air \_\_\_\_\_ Hot Water \_\_\_\_\_ If Garage, number of cars \_\_\_\_\_

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use \_\_\_\_\_  
\_\_\_\_\_

10. Estimated cost \_\_\_\_\_ Fee \$50.00

**ZONING BOARD**

**PAID**

Clk # 742 \$50.00  
(part of \$1000)

1 1  
date

APPLICATION FOR BUILDING PERMIT  
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK  
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock  
Asst. Inspectors: Frank Liel & Louis Kryshear  
New Windsor Town Hall  
655 Union Avenue  
New Windsor, New York 12553  
(845) 563-4818  
(845) 563-4888 FAX

Blg Insp Examined \_\_\_\_\_  
Fire Insp Examined \_\_\_\_\_  
Approved \_\_\_\_\_  
Disapproved \_\_\_\_\_  
Permit No. \_\_\_\_\_

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
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- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

\* Leone S. Prangelis P.O.A. 3 Francis St.  
(Signature of Applicant) (Address of Applicant)

\* Leone S. Prangelis P.O.H. Newburg N.Y. 12550  
(Owner's Signature) (Owner's Address)

**NOTE:**

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.

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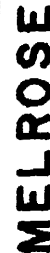
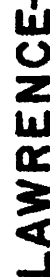
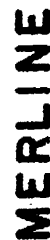
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**ADFORD**

**AVENUE**

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7209 SUB-DIVISION 2 OF THE  
TATE EDUCATION LAW .

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ED SEAL OF THE LAND  
HALL NOT BE VALID.

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LE TO ADDITIONAL INDIVIDUALS  
NS, THEIR SUCCESSORS AND/OR  
R SUBSEQUENT OWNERS.

OR RIGHT-OF-WAYS ON, OR UNDER  
AND NOT VISIBLE, ARE NOT

N G:

IN OF LOT 358, A PORTION OF LOT  
LOT 359 AS SHOWN ON A MAP  
"CITY PARK", FILED IN THE ORANGE  
CLERK'S OFFICE ON AUGUST 30,  
MAP #647.

NG LOT 14.1, BLOCK 12, SECTION  
TOWN ON THE TOWN OF NEW  
TAX MAP.

RECORD: LIBER 2017, PAGE 992

**E A = 0.1435 ACRE**  
**R 6,250 SQ. FT.**

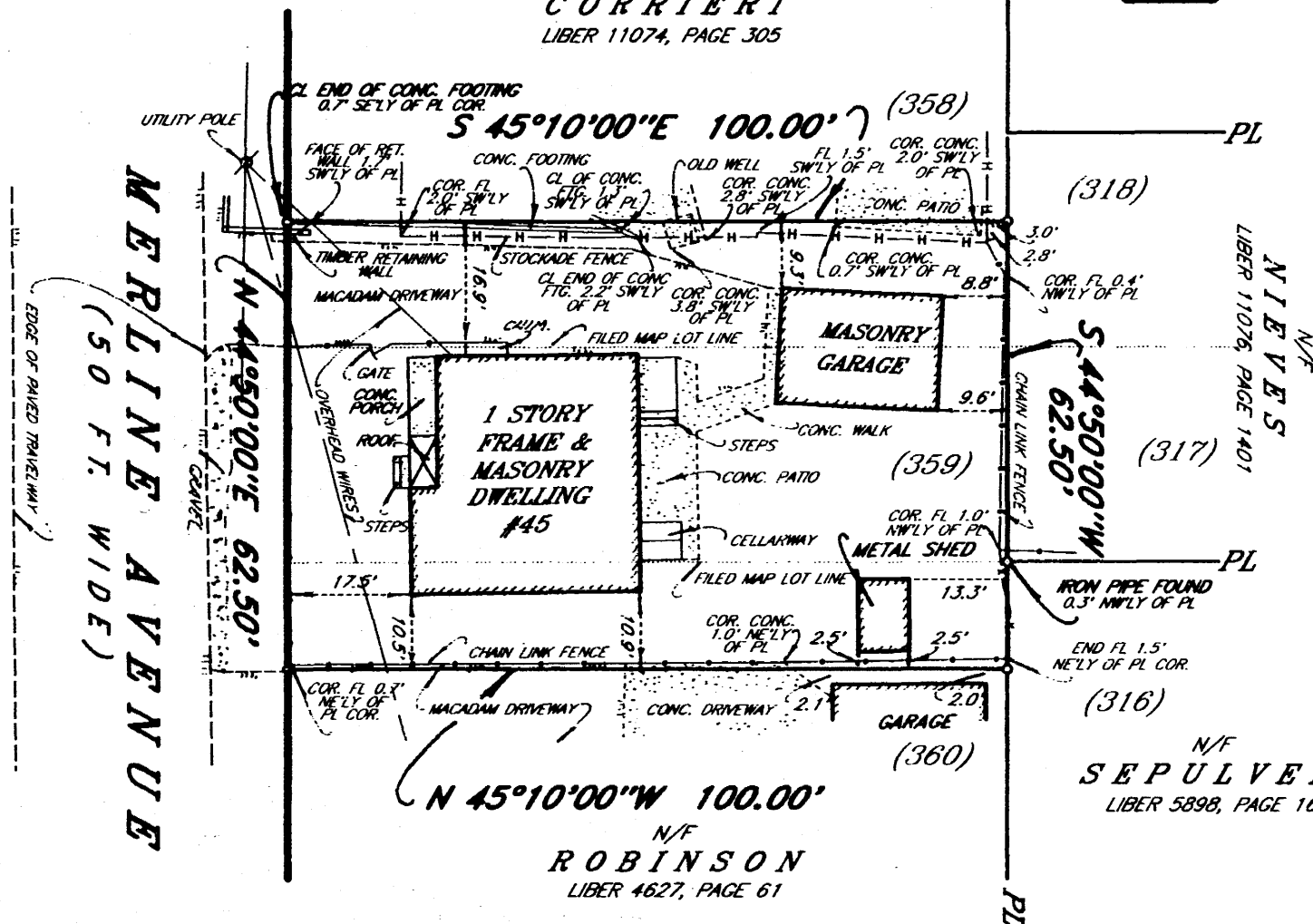
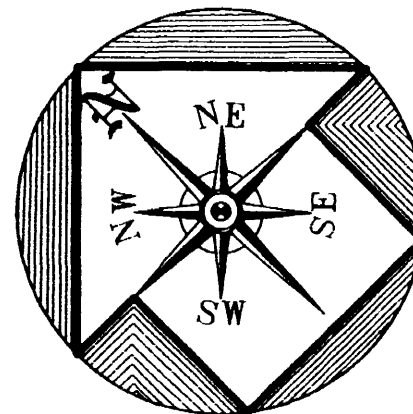
ERTIFY ONLY TO THE PARTIES  
REON THAT THIS MAP IS BASED  
UAL FIELD SURVEY COMPLETED  
2/23/05 AND HAS BEEN  
IN ACCORDANCE WITH THE CODE  
CE ESTABLISHED BY THE  
OC. OF PROFESSIONAL LAND  
S, INC.

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HE LAND AND IS SUBJECT TO  
OF FACTS A TITLE SEARCH

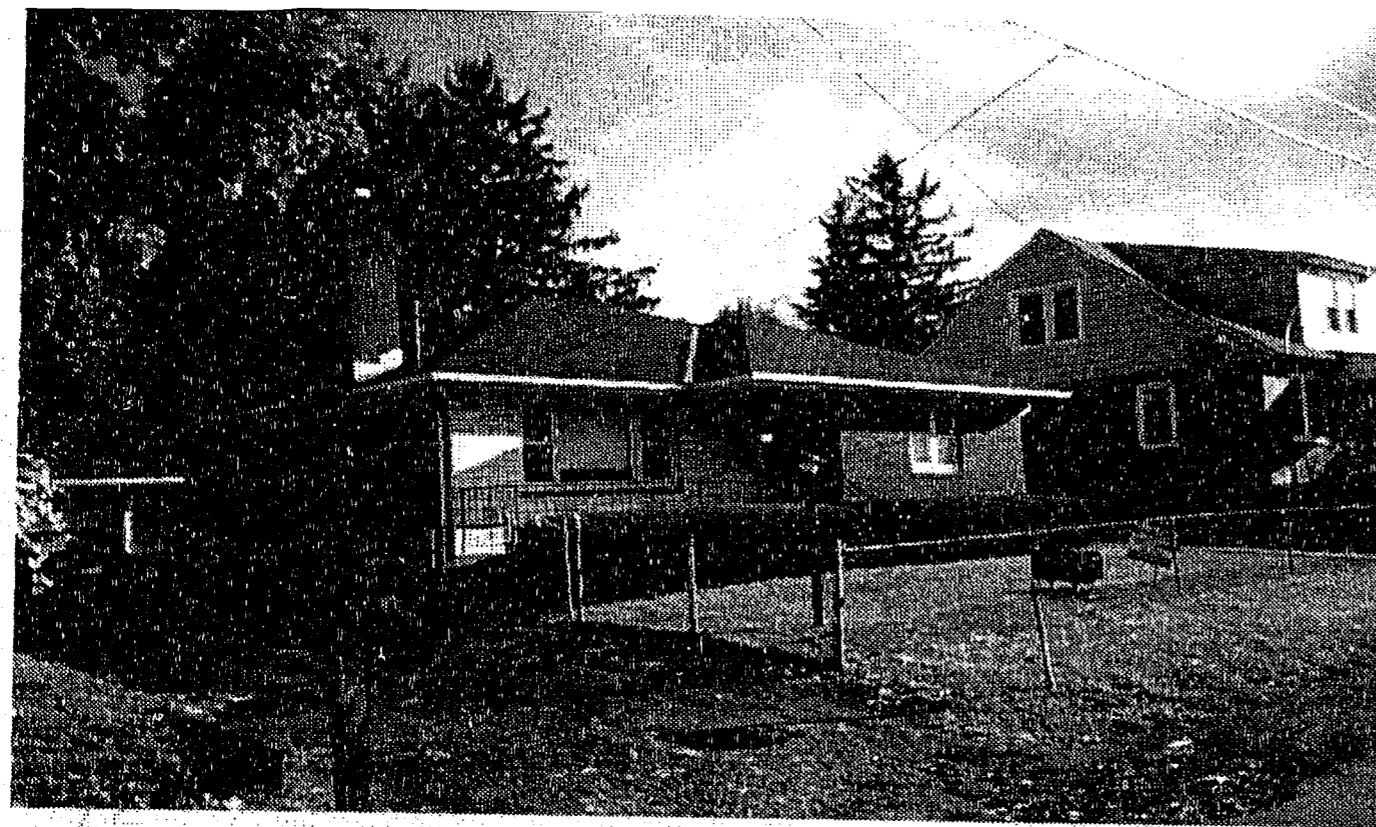
WFER EARL & FRANK SIMPSON,  
REPUBLIC NATIONAL TITLE INSURANCE COMPANY,  
INGTON FINANCE, A DIVISION OF NG FEDERAL

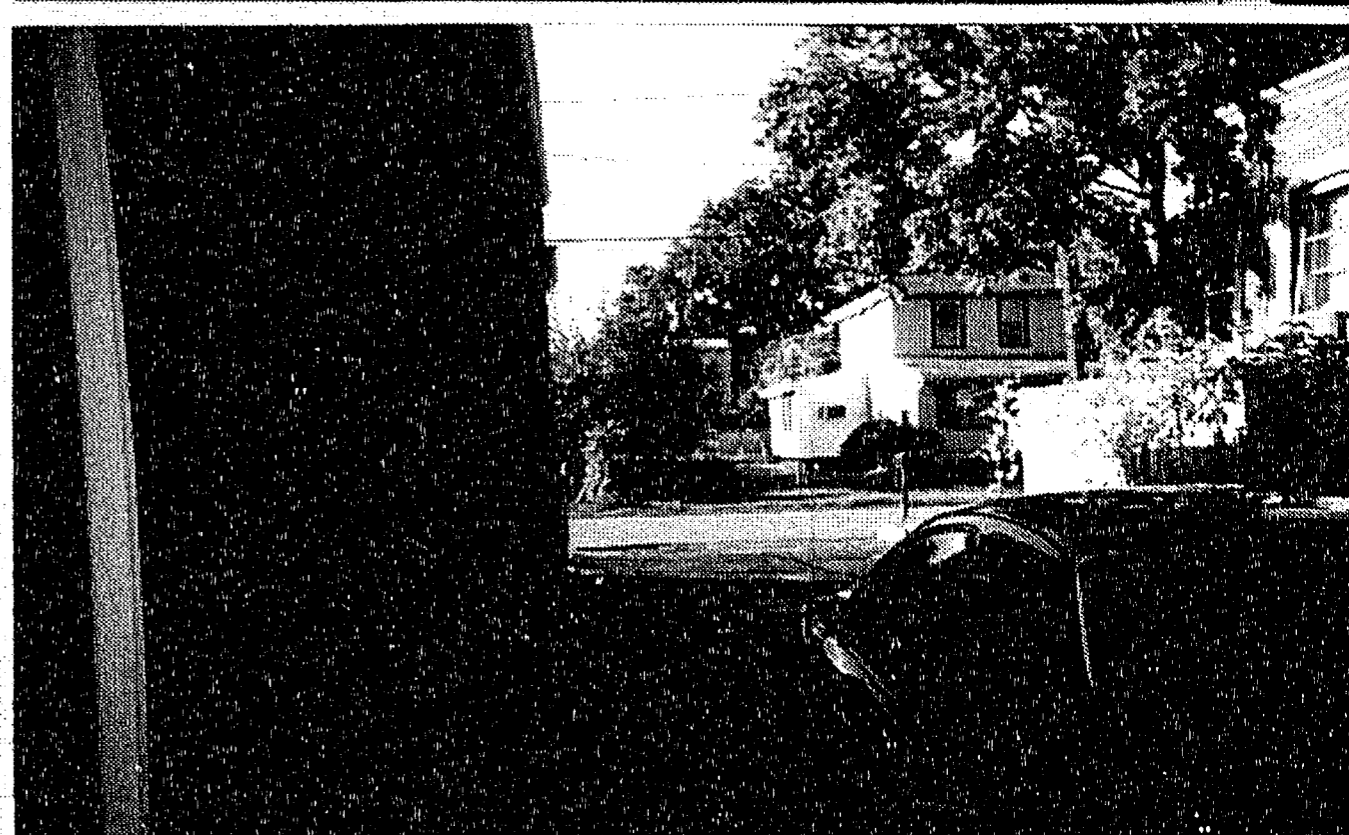
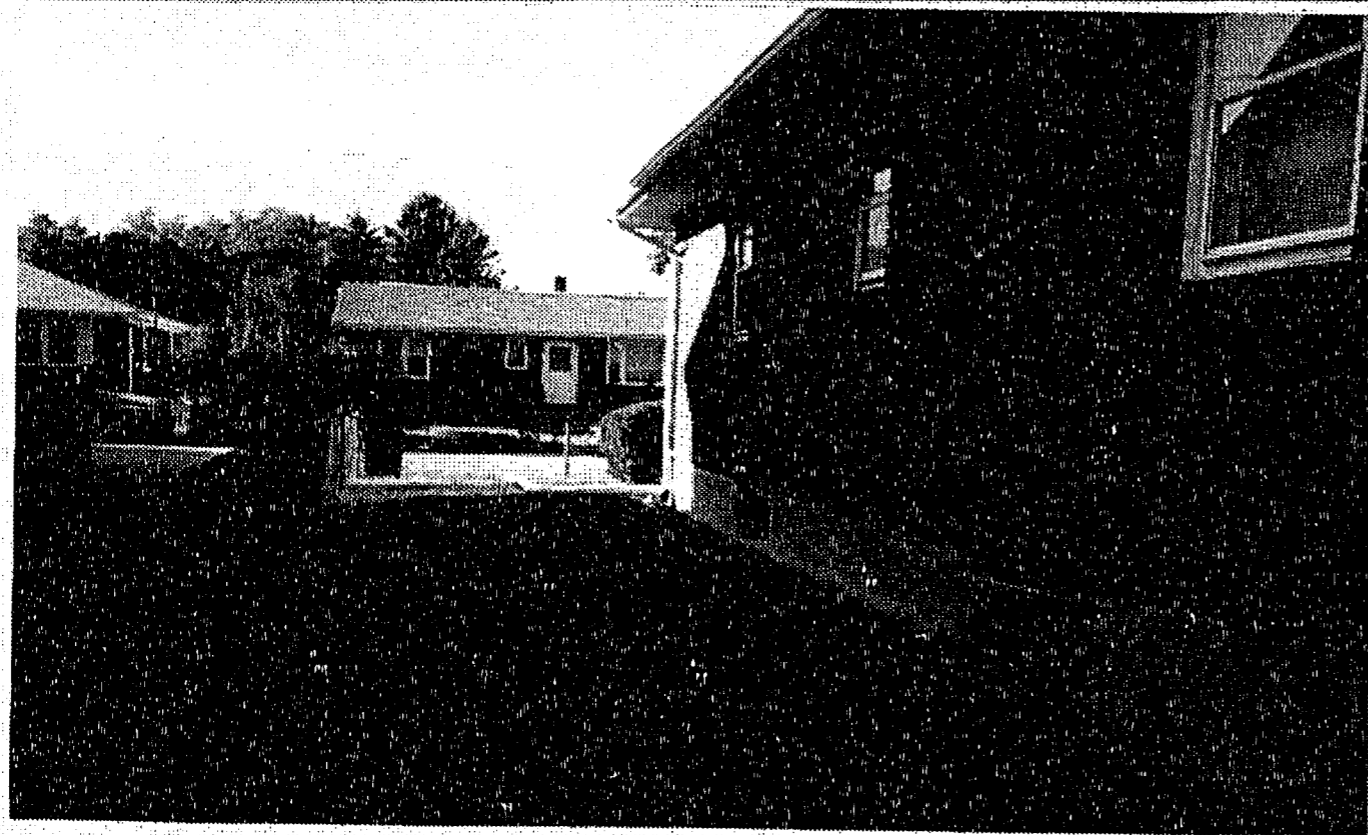
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**CORRIERI**  
LIBER 11074, PAGE 305

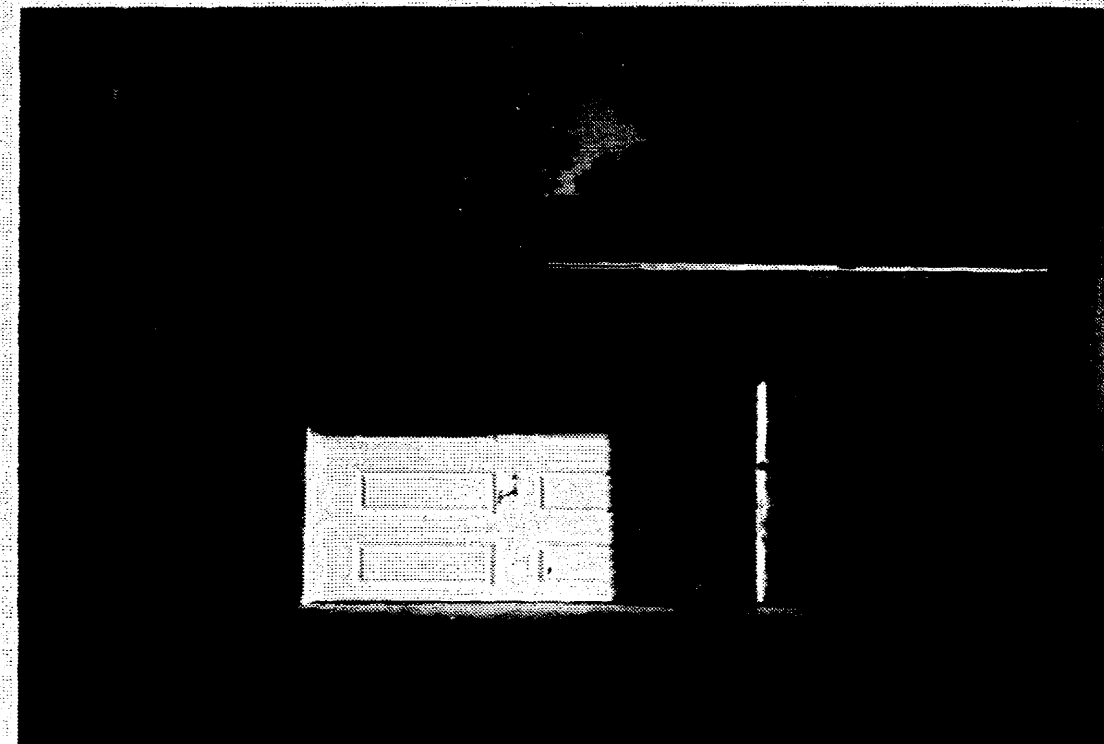
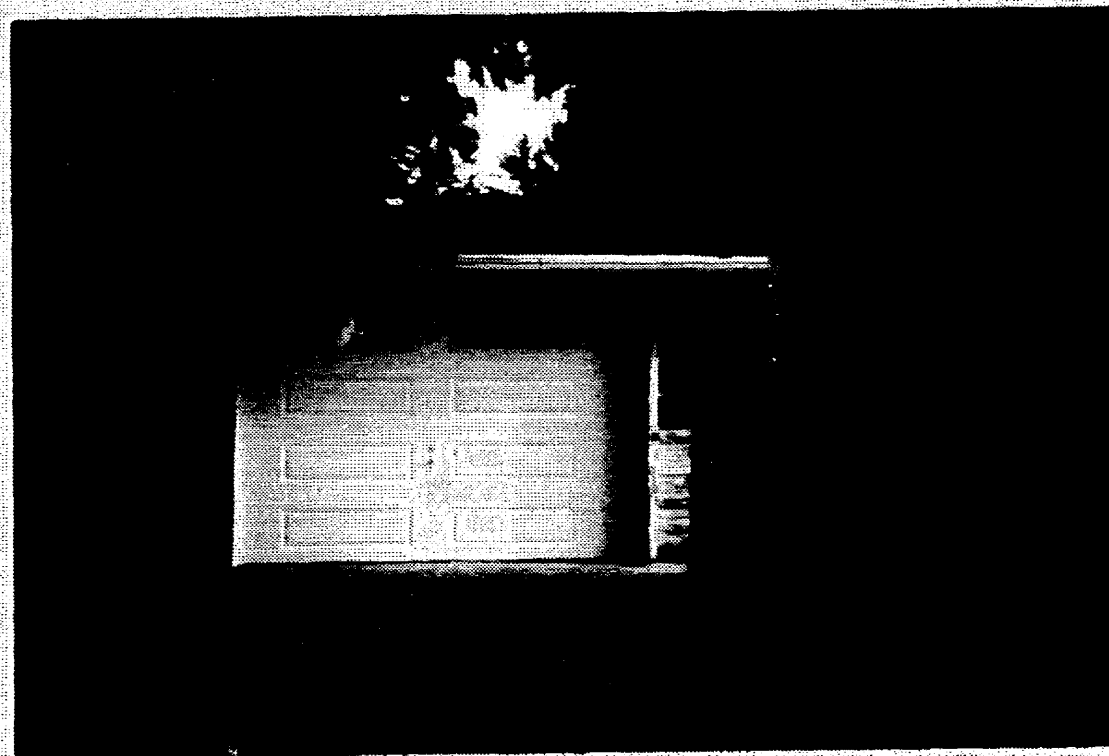
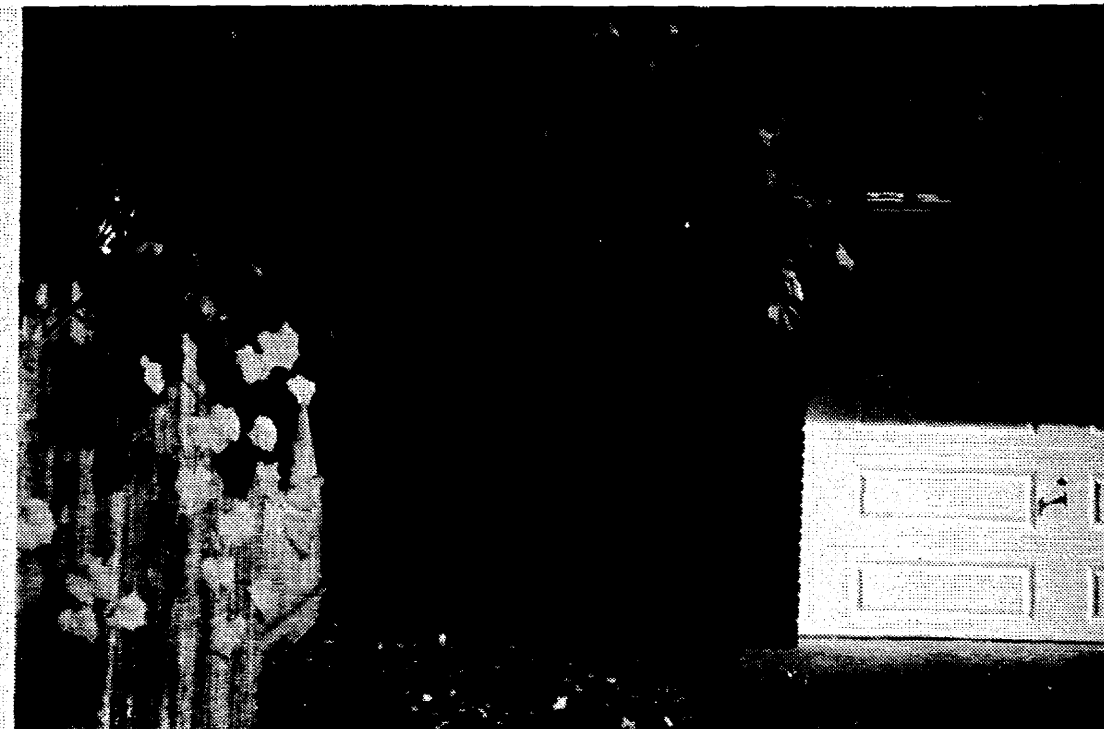
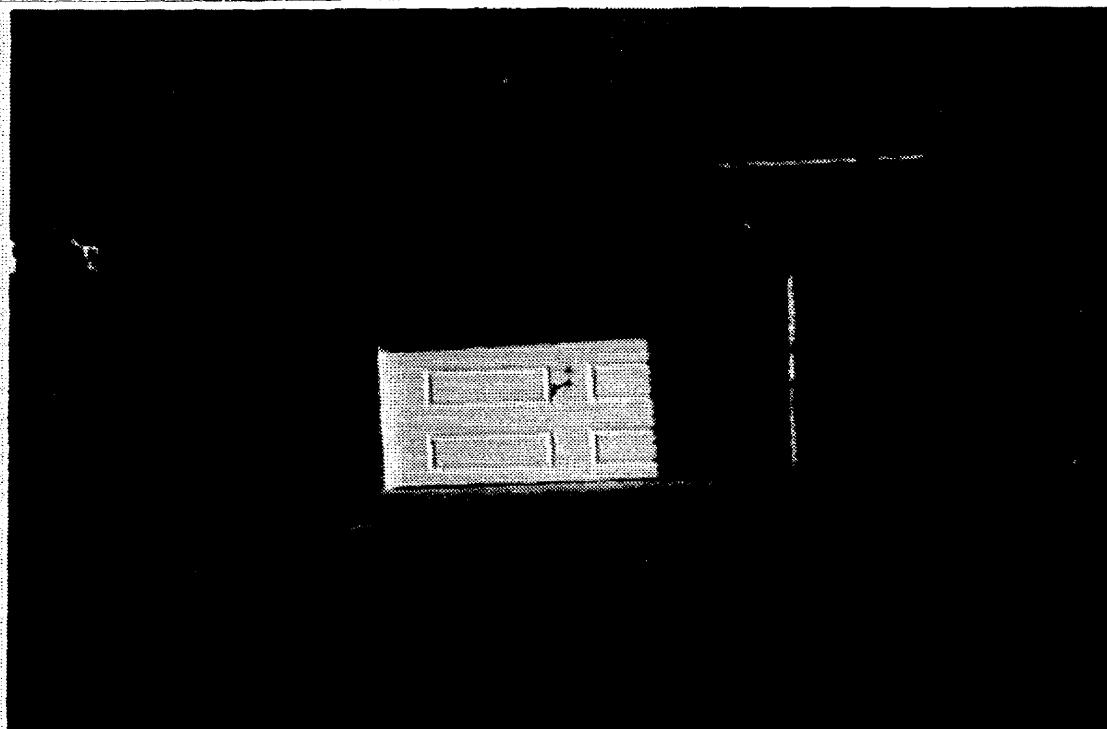
**STEVEN P. DRABICK P.L.S., PC**  
PROFESSIONAL LAND SURVEYOR  
PO BOX 539  
CORNWALL, N.Y. 12518  
(845)-534-2208

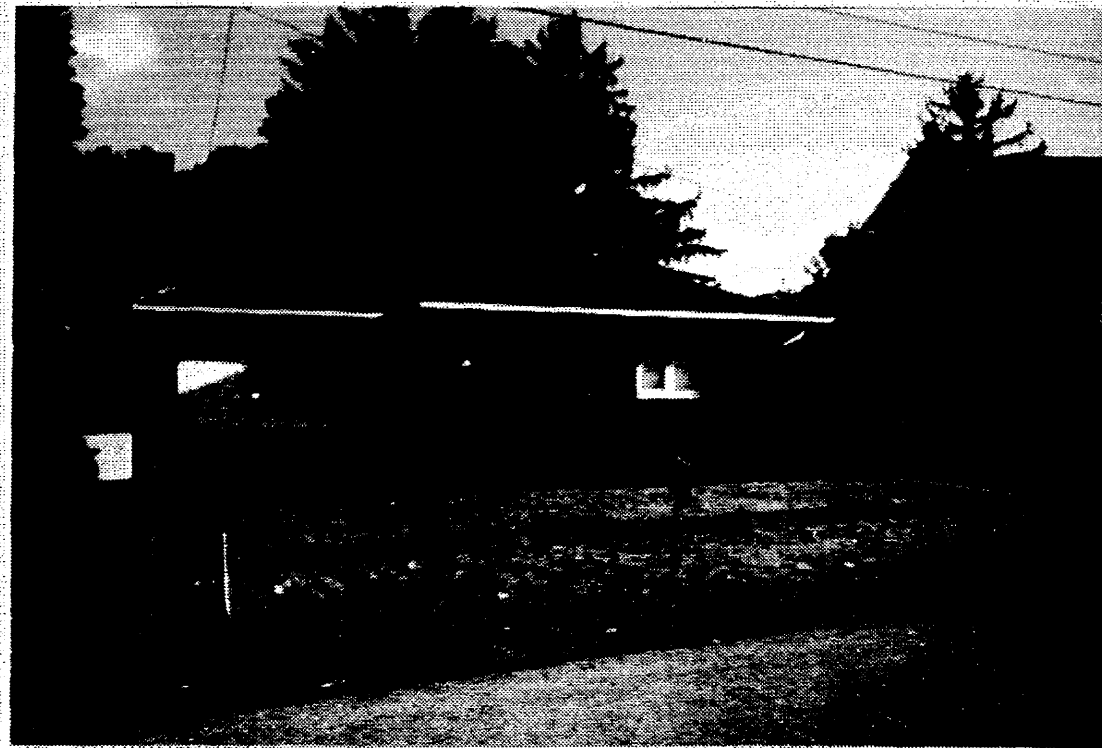
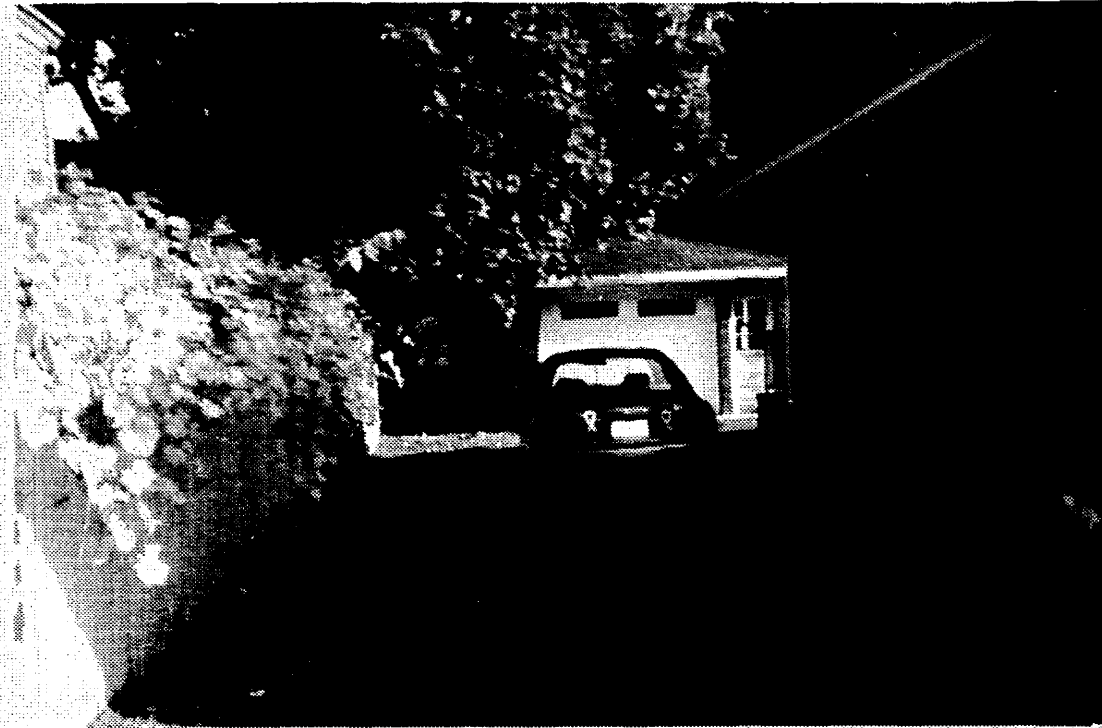
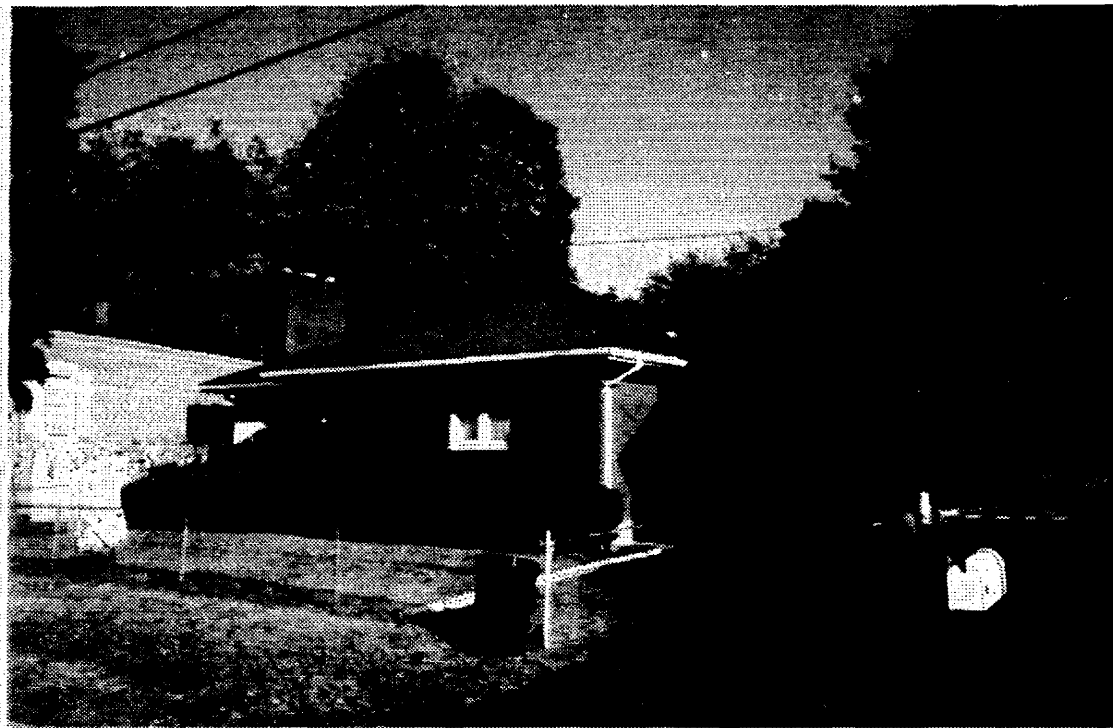


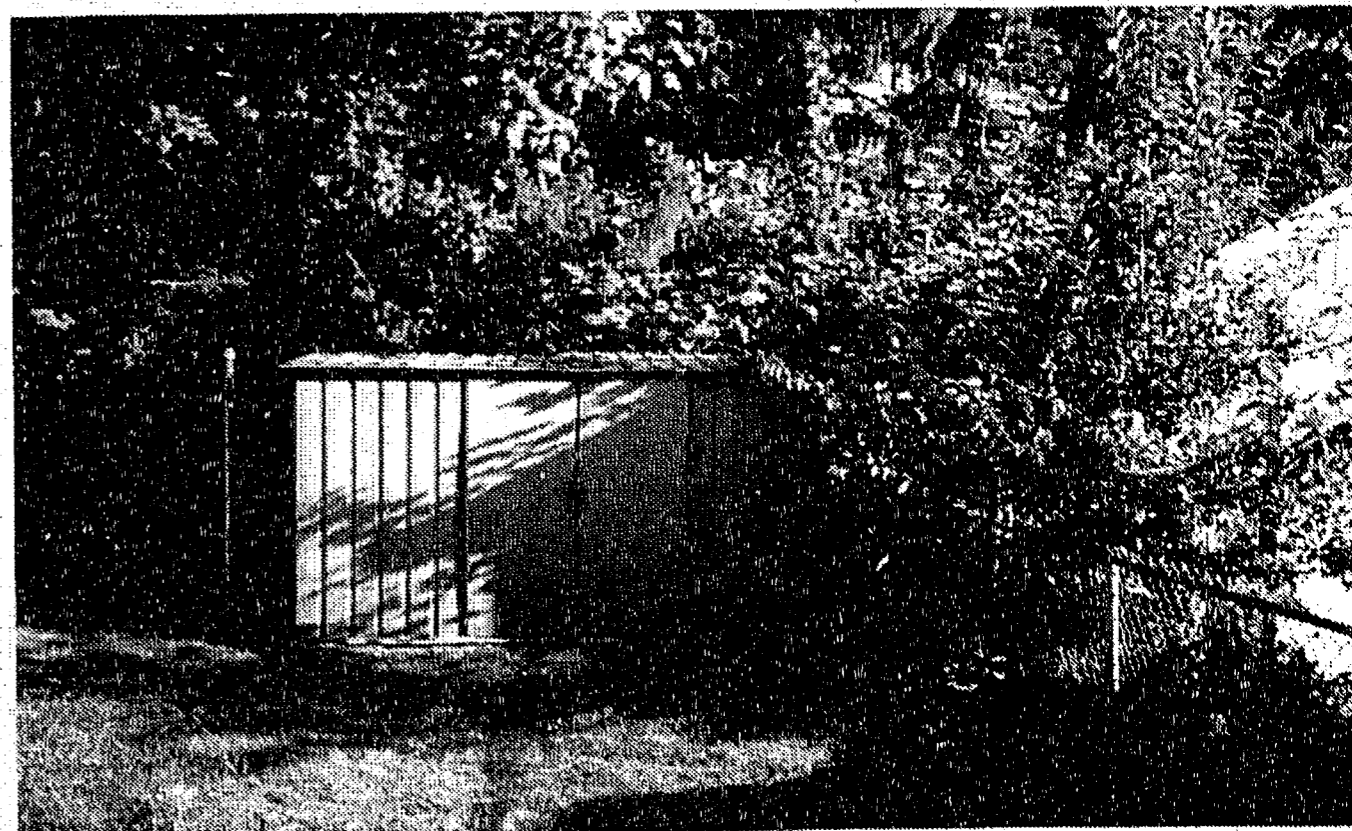
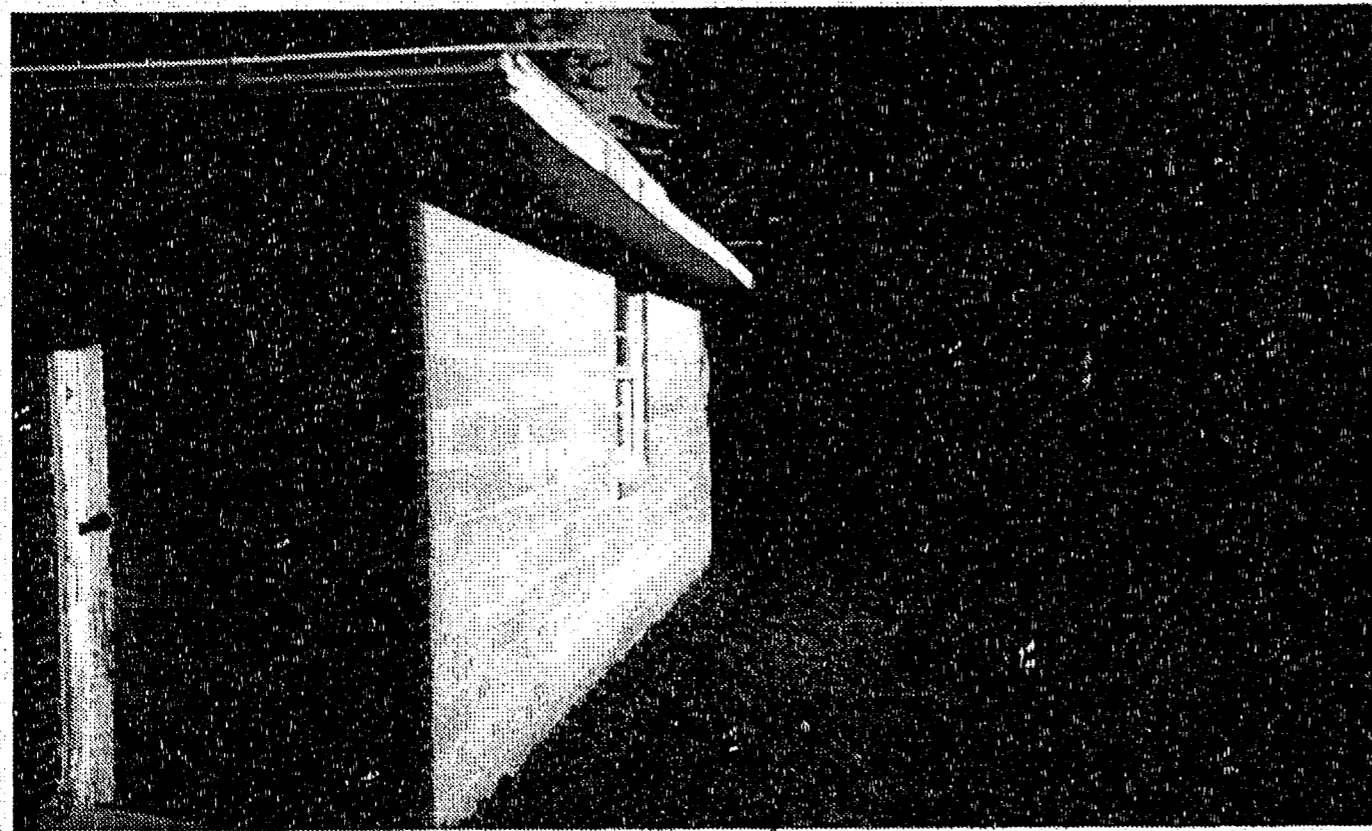
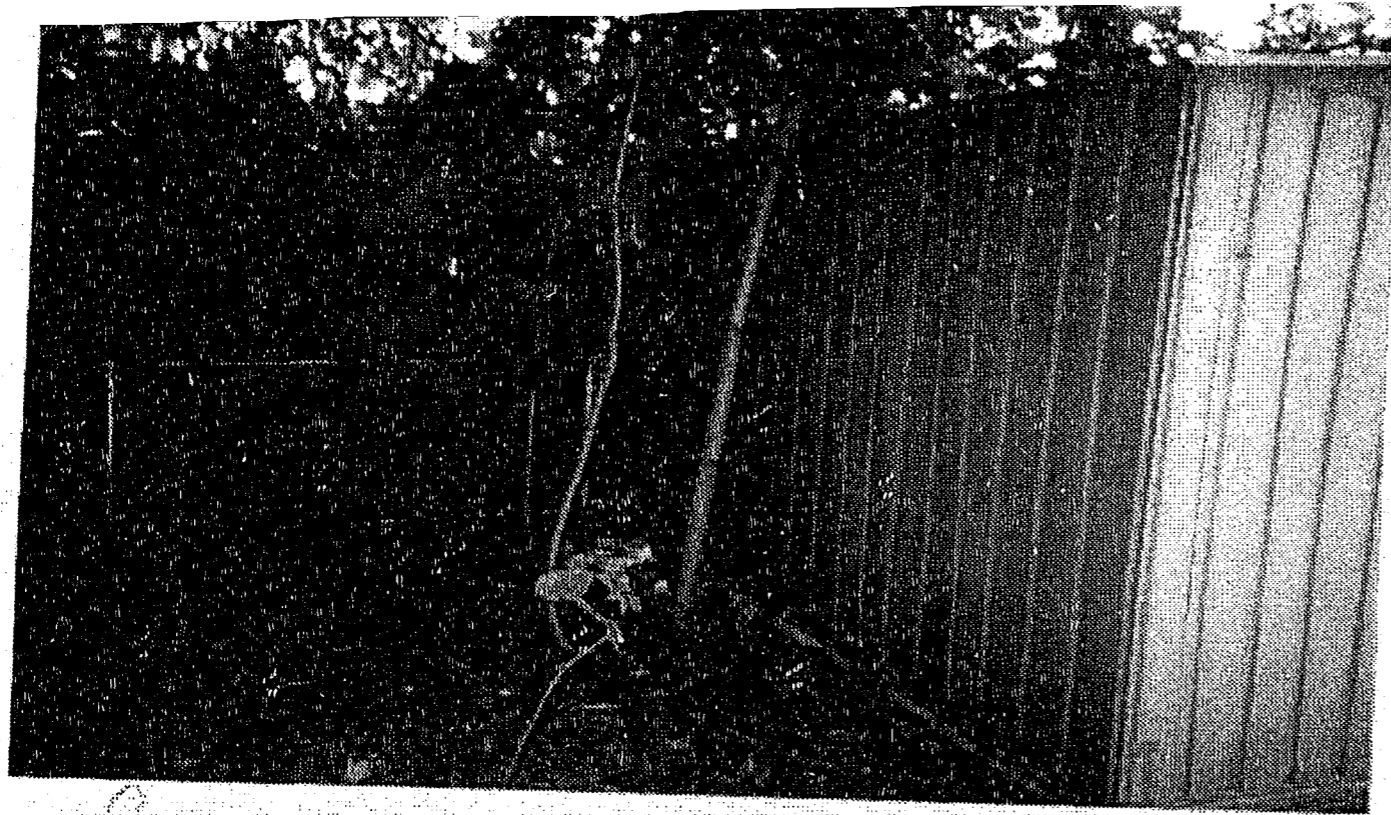
**SURVEY OF PROPERTY**  
**FOR**  
**JENNIFER EARL &**  
**FRANK SIMPSON**











**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
OFFICE  
845-563-4615**

**MEMORANDUM**

**TO: LARRY REIS, COMPTROLLER**  
**FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD**  
**DATE: 04-25-06**  
**SUBJECT: ESCROW REFUND**

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 156.50 TO CLOSE OUT  
ESCROW FOR:**

**ZBA FILE #05-71**

**NAME & ADDRESS:**

**Lewis Evangelisto (for Detoro)  
3 Francis Street  
Newburgh, NY 12550**

**THANK YOU,**

**MYRA**

**L.R.04-25-06**



**TOWN OF NEW WINDSOR**  
**ZONING BOARD OF APPEALS**  
**RECORD OF CHARGES & PAYMENTS**



FILE #05-71      TYPE: AREA      TELEPHONE: 562-5523

**APPLICANT:**

Lewis Evangelisto (for Detoro)  
3 Francis Street  
Newburgh, NY 12550

RESIDENTIAL:	\$ 50.00	CHECK # <u>763</u>
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW:      RESIDENTIAL \$300.00      CHECK # 764



<u>DISBURSEMENTS:</u>	<u>MINUTES</u>	<u>ATTORNEY</u>
	<u>\$5.50 / PAGE</u>	<u>FEE</u>

PRELIMINARY:	<u>2</u>	PAGES	\$ <u>11.00</u>	\$ <u>35.00</u>
2 <sup>ND</sup> PRELIMINARY:	—	PAGES	\$ _____	\$ _____
PUBLIC HEARING:	<u>3</u>	PAGES	\$ <u>16.50</u>	\$ <u>35.00</u>
PUBLIC HEARING:	—	PAGES	\$ _____	\$ _____

LEGAL AD: Publish Date:      \$ 46.00

TOTAL:      \$ 73.50      \$ 70.00



ESCROW POSTED:      \$ 300.00  
LESS: DISBURSEMENTS:      \$ 143.50

AMOUNT DUE:      \$ \_\_\_\_\_

REFUND DUE:      \$ 156.50

Cc:

L.R. 04-25-06

LEWIS\_EVANGELISTO\_(FOR\_DETORO)\_(05-71)

---

MR. KANE: Request for garage, .7 ft. side yard setback and 1.2 ft. rear yard setback, shed, 7.5 side yard setback, house, 17.5 front yard setback and 1.5 foot side yard setback for existing garage, shed and house at 45 Merline Avenue.

Mr. Lewis Evangelisto appeared before the board for this proposal.

MR. EVANGELISTO: Lewis Evangelisto for Tom Detoro. I want to sell the house, Tommy's in a home, I have power of attorney and I need variances to sell the home.

MR. KANE: Let's take them one at a time, okay. The garage itself you need a side yard, how long has the garage been up?

MR. EVANGELISTO: Twenty years maybe plus, yeah.

MR. KANE: And the shed?

MR. EVANGELISTO: I would say within 15 years.

MR. KANE: And the house?

MR. EVANGELISTO: '73 or '75.

MR. KANE: Any complaints formally or informally about any of the three?

MR. EVANGELISTO: No.

MR. KANE: That you know of?

MR. EVANGELISTO: None.

MR. KANE: With the building of these to your knowledge was there any creation of water hazards or runoffs?

January 9, 2006

24

MR. EVANGELISTO: None.

MR. KANE: Any cutting down of substantial vegetation or trees?

MR. EVANGELISTO: No.

MR. KANE: Any easements running through the area?

MR. EVANGELISTO: No.

MR. KANE: The home on town water and sewer?

MR. EVANGELISTO: As far as I know, yes.

MR. KANE: And obviously it would be financially not viable to move the garage the house or the shed?

MR. EVANGELISTO: Of course not.

MR. KANE: I have to ask. At this point, I will open it up to the public and ask if anybody's here for this particular hearing. Nobody cares. We'll close the public portion and ask Myra how many mailings we had.

MS. MASON: On the 22nd of December, I mailed out 104 envelopes.

MR. EVANGELISTO: Out of 104 I received 4 back, they could not be delivered and 3 are on Lawrence Avenue.

MR. KANE: Front yard setback the house itself is it closer to any other homes that are on that street to the road?

MR. EVANGELISTO: No.

MR. KANE: Or about the same?

January 9, 2006

25

MR. EVANGELISTO: About the same right down the line.

MR. KANE: Any other questions? I'll accept a motion.

MS. LOCEY: I'll offer a motion regarding the application of Lewis Evangelisto that we grant the requests for the various variances, number one for a garage .7 foot side yard setback and 1.2 foot rear yard setback, for the shed, 7.5 foot side yard setback and for the house 17.5 foot front yard setback and 1.5 foot side yard setback for existing garage, shed and house at 45 Merline Avenue in an R-4 zone.

MR. BROWN: I'll second the motion.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. BROWN	AYE
MR. KANE	AYE

LEWIS\_EVANGELISTO\_(FOR\_DETORO)\_(05-71)

MR. KANE: Request for garage, 7 ft. wide yard setback and 1.2 ft. rear yard setback, shed, 7.5 ft. side yard setback, house, 17.5 ft. front yard setback and 1.5 ft. side yard setback for existing garage, shed and house at 45 Merline Avenue.

Mr. Lewis Evangelisto appeared before the board for this proposal.

MR. EVANGELISTO: I need variances so I can get a C.O.

MR. KANE: Let's handle one at a time, well, the garage, shed and house, how long have they been there?

MR. EVANGELISTO: Since 1975.

MR. KANE: Shed was there at about the same time?

MR. EVANGELISTO: Say maybe ten years later.

MR. KANE: We'll call that '85. Any complaints formally or informally about that?

MR. EVANGELISTO: No.

MR. KANE: Will you be creating any water hazards?

MR. EVANGELISTO: No.

MR. KANE: There's certain questions I have to ask. Was there cutting down of any trees or substantial vegetation in the building of either of these?

MR. EVANGELISTO: No. The man is in a nursing home, I have to sell it, I have power of attorney.

MR. KANE: Any easements that would be in the way of a shed?

November 14, 2005

14

MR. EVANGELISTO: No.

MR. KANE: Garage attached or detached?

MR. EVANGELISTO: Detached.

MR. KANE: No easements through the garage?

MR. EVANGELISTO: No.

MR. KANE: You're sure of the numbers that are on here?

MR. EVANGELISTO: Yes.

MR. KANE: Any questions? I've got pictures everybody.  
Okay, I'll accept a motion.

MS. LOCEY: I'll offer a motion to schedule a public hearing on the application of Lewis Evangelisto for Thomas Detoro for request for a .7 foot side yard setback and 1.2 foot rear yard setback for an existing garage, a 7.5 foot side yard setback for existing shed and 17.5 foot front yard setback and 1.5 foot side yard setback for an existing house all at 45 Merline Avenue.

MR. REIS: Second it.

ROLL CALL

MS. LOCEY	AYE
MR. BROWN	AYE
MR. REIS	AYE
MR. KANE	AYE

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR  
COUNTY OF ORANGE: STATE OF NEW YORK**

LEWIS EVANGELISTO (for Detoro)

#05-71

# X


STATE OF NEW YORK )  
 ) SS:  
COUNTY OF ORANGE )

That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

That on the 22<sup>ND</sup> day of **DECEMBER**, 2005, I compared the (104) addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Myra L. Mason  
Myra L. Mason, Secretary

22<sup>ND</sup> day of December, 2005

  
Notary Public

**JENNIFER MEAD**  
**Notary Public, State Of New York**  
**No. 01ME6050024**  
**Qualified In Orange County**  
**Commission Expires 10/30/ 2006**

**PUBLIC HEARING NOTICE**  
**ZONING BOARD OF APPEALS**  
**TOWN OF NEW WINDSOR**

**PLEASE TAKE NOTICE** that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

**Appeal No. 05-71**

**Request of LEWIS EVANGELISTO (for Detoro)**

**for a VARIANCE of the Zoning Local Law to Permit:**

**Request for**

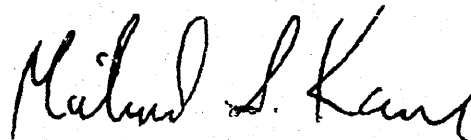
**GARAGE: .7 ft. Side Yard Setback and; 1.2 ft. Rear Yard Setback**

**SHED: 7.5 ft. Side Yard Setback**

**HOUSE: 17.5 ft. Front Yard Setback and; 1.5 ft. Side Yard Setback**

**For existing garage, shed and house at 45 Merline Avenue in an R-4 Zone (13-12-14.1)**

**PUBLIC HEARING will take place on JANUARY 9, 2006**  
**at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York**  
**beginning at 7:30 P.M.**



---

**Michael Kane, Chairman**



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4631  
Fax: (845) 563-3101

## Assessors Office

November 16, 2005

Lewis Evangelisto (for Detoro)  
3 Francis Street  
Newburgh, NY 12550

Re: 13-12-14.1      ZBA#: 05-71 (104)

Dear Mr. Evangelisto:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$119.00, minus your deposit of \$25.00.

Please remit the balance of \$94.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO  
Sole Assessor

JTW/tmp  
Attachments

CC: Myra Mason, Zoning Board

13-2-13 & 14  
Anna Crudele  
12 Merline Avenue  
New Windsor, NY 12553

13-2-17  
Edward & Ellen Jacopino  
238 Walsh Avenue  
New Windsor, NY 12553

13-3-9  
Anthony Messina  
15 Merline Avenue  
New Windsor, NY 12553

13-6-3  
Eileen Sharrow  
19 Lawrence Avenue  
New Windsor, NY 12553

13-10-6  
Frederick & Linda Greene  
28 Blanche Avenue  
New Windsor, NY 12553

13-10-10  
David Franklin  
42 Blanche Avenue  
New Windsor, NY 12553

13-10-14  
Leroy & Rosemarie Stanford  
53 Melrose Avenue  
New Windsor, NY 12553

13-10-20 & 21  
Angela Monteleone  
37 Melrose Avenue  
New Windsor, NY 12553

13-10-24 & 25  
Eduardo & Robyn Richi  
23 Melrose Avenue  
New Windsor, NY 12553

13-11-3  
Adalberto Padilla  
26 Melrose Avenue  
New Windsor, NY 12553

13-2-15  
Leslie Green King  
38 Clancy Avenue  
New Windsor, NY 12553

13-3-7  
James & Geraldine Lee  
12 Lawrence Avenue  
New Windsor, NY 12553

13-3-10  
Gary & Darla Dreyer  
18 Veronica Avenue  
New Windsor, NY 12553

13-6-4  
Chester & Evelyn Grzibowski  
12 Melrose Avenue  
New Windsor, NY 12553

13-10-7  
Rose Grossholtz  
3 Windsor Drive  
New Windsor, NY 12553

13-10-11 & 12  
Stella Orzechowski  
c/o Lorraine Slacin  
91 Edgehill Drive  
Wappingers Falls, NY 12590

13-10-15  
John Konrad  
51 Melrose Avenue  
New Windsor, NY 12553

13-10-22  
Edward & Pauline Starr  
33 Melrose Avenue  
New Windsor, NY 12553

13-11-1  
Peter & Christine Gandolfini  
16 Melrose Avenue  
New Windsor, NY 12553

13-11-4  
Daniel & Mary Baxter  
30 Melrose Avenue  
New Windsor, NY 12553

13-2-16  
Carmen Damario  
40 Clancy Avenue  
New Windsor, NY 12553

13-3-8  
Maria & Carmelo Maldonado  
22 Lawrence Avenue  
New Windsor, NY 12553

13-6-2  
Elizabeth Rahm  
15 Lawrence Avenue  
New Windsor, NY 12553

13-10-1  
Jeffery & Jeanne Stent  
15 Melrose Avenue  
New Windsor, NY 12553

13-10-8 & 9  
David Deyo  
40 Blanche Avenue  
New Windsor, NY 12553

13-10-13 & 15-4-31  
Cosmo & Stephanie Yonnone  
67 Myrtle Avenue  
New Windsor, NY 12553

13-10-18  
George & Donna Kirk  
45 Melrose Avenue  
New Windsor, NY 12553

13-10-23  
Roy Coydendall  
25 Melrose Avenue  
New Windsor, NY 12553

13-11-2  
John & Jayne Kelly  
20 Melrose Avenue  
New Windsor, NY 12553

13-11-5  
Mira Ellen Rumsey  
c/o Mira Ellen Blythe  
320 Jackson Avenue  
New Windsor, NY 12553

13-11-6  
Edwin Torres  
Migdalia Oquendo  
38 Melrose Avenue  
New Windsor, NY 12553

13-11-9  
Edward & Helen Simanoski  
56 Melrose Avenue  
New Windsor, NY 12553

13-11-15  
Paula Sanguinetti  
33 Lawrence Avenue  
New Windsor, NY 12553

13-12-2  
DAV Chapter 152  
ATT: Treasurer  
30 Lawrence Avenue  
New Windsor, NY 12553

13-12-5  
Carlos & Christina Nieves  
44 Lawrence Avenue  
New Windsor, NY 12553

13-12-11  
Abie & Maria Colon  
57 Merline Avenue  
New Windsor, NY 12553

13-12-14.2  
Tiberio Corrieri  
41 Merline Avenue  
New Windsor, NY 12553

13-12-17  
Karen Jeffers  
33 Merline Avenue  
New Windsor, NY 12553

13-12-20  
Katalin Tolnai  
25 Merline Avenue  
New Windsor, NY 12553

13-13-3.1  
Charles & Fanny Davis  
30 Merline Avenue  
New Windsor, NY 12553

13-11-7 & 13  
Khoa Van Pham  
Anh Tran  
44 Melrose Avenue  
New Windsor, NY 12553

13-11-10 & 11, 15-7-1, 11 & 12  
Lawrence Avenue Properties, LLC  
593 Lakeside Road  
Newburgh, NY 12550

13-11-17  
Frank Lombardi  
361 Oak Drive  
New Windsor, NY 12553

13-12-3  
Brett Cunningham  
36 Lawrence Avenue  
New Windsor, NY 12553

13-12-8  
Carmen Sepulveda  
46 Lawrence Avenue  
New Windsor, NY 12553

13-12-12  
Rose Piperato, et al  
51 Merline Avenue  
New Windsor, NY 12553

13-12-15  
Hazelton & Anna Kerr  
37 Merline Avenue  
New Windsor, NY 12553

13-12-18  
North Plank Development Co., LLC  
5020 Route 9W  
Newburgh, NY 12550

13-13-1 & 24  
Alfred Crudele  
37 Clancy Avenue  
New Windsor, NY 12553

13-13-4.1  
Byron & Mary Hulse  
34 Merline Avenue  
New Windsor, NY 12553

13-11-8  
Jeffrey & Frances Kirk  
46 Melrose Avenue  
New Windsor, NY 12553

13-11-14  
Thaddeus Malinowski  
John Rymaszewski  
39 Lawrence Avenue  
New Windsor, NY 12553

13-12-1  
Jeffrey McCurry  
19 Merline Avenue  
New Windsor, NY 12553

13-12-4  
Evelt Mitchell  
40 Lawrence Avenue  
New Windsor, NY 12553

13-12-10  
Malinda Nieves  
60 Lawrence Avenue  
New Windsor, NY 12553

13-12-13  
Valarie Robinson  
47 Merline Avenue  
New Windsor, NY 12553

13-12-16  
James & Rose Sears  
c/o Robert Sears  
35 Merline Avenue  
New Windsor, NY 12553

13-12-19  
Nicholas & Jean Garzione  
27 Merline Avenue  
New Windsor, NY 12553

13-13-2  
Murat Yucel  
22 Merline Avenue  
New Windsor, NY 12553

13-13-5  
Everett & Mary Smith  
36 Merline Avenue  
New Windsor, NY 12553

13-13-6 & 7  
Gerald Gillispie  
Joan Livingston  
38 Merline Avenue  
New Windsor, NY 12553

13-13-12  
Jerry Stuit  
48 Merline Avenue  
New Windsor, NY 12553

13-13-15 & 16  
William & Jodi McDonough  
41 Myrtle Avenue  
New Windsor, NY 12553

13-13-21  
Adan & Michelle Gomez  
27 Myrtle Avenue  
New Windsor, NY 12553

13-14-1 & 22.2  
John & Janet Duda  
45 Clancy Avenue  
New Windsor, NY 12553

13-14-4  
Joseph & Ethel Reardon  
14 Myrtle Avenue  
New Windsor, NY 12553

13-14-11 & 18  
Edward Makarewicz  
19 Cherry Avenue  
New Windsor, NY 12553

13-14-20  
Dorothea & Richard Makarewicz  
11 Cherry Avenue  
New Windsor, NY 12553

15-4-1  
Daniel & Dolores D'Elicio  
53 Myrtle Avenue  
New Windsor, NY 12553

15-4-4  
Derek Crawford  
70 Merline Avenue  
New Windsor, NY 12553

13-13-9  
Franklin Albright  
42 Merline Avenue  
New Windsor, NY 12553

13-13-13  
Dennis & Joan Maher  
54 Merline Avenue  
New Windsor, NY 12553

13-13-18.1  
Michael Mallory  
Jinkie Jane Haggett Bautista  
39 Myrtle Avenue  
New Windsor, NY 12553

13-13-22  
Scott Potter  
23 Myrtle Avenue  
New Windsor, NY 12553

13-14-2  
Richard Bucci  
Sherry Deyo  
2 Myrtle Avenue  
New Windsor, NY 12553

13-14-6.1  
Gasper & Elizabeth Cangelosi  
20 Myrtle Avenue  
New Windsor, NY 12553

13-14-12 - 13-14-17  
15-4-32  
Vincent J Yonnone  
63 Myrtle Avenue  
New Windsor, NY 12553

13-14-22.1  
Yedda & Lonnie Parker, Sr.  
9 Cherry Avenue  
New Windsor, NY 12553

15-4-2  
Anne Corso  
37 Bradford Avenue  
New Windsor, NY 12553

15-4-5  
David Yonnone  
74 Merline Avenue  
New Windsor, NY 12553

13-13-11  
George & Sheila Manning  
46 Merline Avenue  
New Windsor, NY 12553

13-13-14  
Kristina & Michael Paz  
60 Merline Avenue  
New Windsor, NY 12553

13-13-20  
Miguel & Maria Cruz  
31 Myrtle Avenue  
New Windsor, NY 12553

13-13-23  
John Kaczmarek  
13 Myrtle Avenue  
New Windsor, NY 12553

13-14-3  
Maureen Grace  
12 Myrtle Avenue  
New Windsor, NY 12553

13-14-9  
Carl & Gwendolyne Carlson  
26 Myrtle Avenue  
New Windsor, NY 12553

13-14-19  
Anna Cardamone  
15 Cherry Avenue  
New Windsor, NY 12553

15-2-2.1  
John Jesek  
Christopher Vargo  
26 Hardie Street  
Verplank, NY 10596

15-4-3  
Erica Grassi  
64 Merline Avenue  
New Windsor, NY 12553

15-4-6  
Michael & Sharon Alexander  
80 Merline Avenue  
New Windsor, NY 12553

15-4-33  
Frances Linton  
59 Myrtle Avenue  
New Windsor, NY 12553

15-6-3  
Angel Guevara  
74 Lawrence Avenue  
New Windsor, NY 12553

15-6-13  
Charles Tausk  
Leara Quistgaard  
77 Merline Avenue  
New Windsor, NY 12553

15-7-3 & 10  
William & Maria D'Amico  
73 Lawrence Avenue  
New Windsor, NY 12553

15-8-1  
Dennis & Barbara Russell  
55 Melrose Avenue  
New Windsor, NY 12553

15-6-1  
Manuel Dominguez  
29 Bradford Avenue  
New Windsor, NY 12553

15-6-4  
William Oliver  
954 Route 32  
Wallkill, NY 12589

15-6-14  
Anita Spencer  
Thomas Smith  
73 Merline Avenue  
New Windsor, NY 12553

15-7-4  
Dominick D'Egidio  
68 Melrose Avenue  
New Windsor, NY 12553

15-8-18.2  
Martin & Kristine Cohen  
59 Melrose Avenue  
New Windsor, NY 12553

15-6-2  
Gregory Greiner  
70 Lawrence Avenue  
New Windsor, NY 12553

15-6-6  
Michelle Roach  
32-30 Cruger Avenue  
Bronx, NY 10467

15-7-2  
Susan & Douglas Olympia  
58 Melrose Avenue  
New Windsor, NY 12553

15-7-9  
Edgar Rivera  
77 Lawrence Avenue  
New Windsor, NY 12553



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4689

## ZONING BOARD OF APPEALS

November 21, 2005

Lewis Evangelisto (for Detoro)  
3 Francis Street  
Newburgh, NY 12550

SUBJECT: REQUEST FOR VARIANCE #05-71

Dear Mr. Evangelisto:

This is just to let you know your Notices for Public Hearing were mailed out and the notice was also sent to The Times Herald Record Newspaper for publication. **PLEASE NOTE: The charge for publication in the Times Herald Record will be deducted from your escrow that was posted with your application papers.**

Your Public Hearing before the Zoning Board of Appeals for your requested variance at:

DeToro  
45 Merline Ave.  
New Windsor, NY

is scheduled for the January 9<sup>th</sup>, 2006 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

---

Myra Mason, Secretary  
Zoning Board of Appeals

MLM:mlm



RESULTS OF Z.B.A. MEETING OF: November 14, 2005

PROJECT: Evangelists - Los Angeles ZBA # 05-71  
P.B.#

P.B.# \_\_\_\_\_

**USE VARIANCE:      NEED: EAF      PROXY**

LEAD AGENCY: M) S) VOTE: A N

GANN \_\_\_\_\_  
LOCEY \_\_\_\_\_  
BROWN \_\_\_\_\_  
MCDONALD \_\_\_\_\_  
REIS \_\_\_\_\_  
KANE \_\_\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

**PUBLIC HEARING: M)\_\_\_\_\_ S)\_\_\_\_\_ VOTE: A\_\_\_\_\_ N\_\_\_\_\_**

GANN \_\_\_\_\_  
LOCEY \_\_\_\_\_  
BROWN \_\_\_\_\_  
MCDONALD \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_  
REIS \_\_\_\_\_  
KANE \_\_\_\_\_

NEGATIVE DEC: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LOCEY \_\_\_\_\_  
BROWN \_\_\_\_\_  
MCDONALD \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_  
REIS \_\_\_\_\_  
KANE \_\_\_\_\_

APPROVED: M)      S)      VOTE: A      N     

GANN \_\_\_\_\_  
LOCEY \_\_\_\_\_  
BROWN \_\_\_\_\_  
MCDONALD \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_  
REIS \_\_\_\_\_  
KANE \_\_\_\_\_

**ALL VARIANCES - PRELIMINARY APPEARANCE:**

**SCHEDULE PUBLIC HEARING:** M L S R VOTE: A 4 N 0

GANN	<u>A</u>
LOCEY	<u>A</u>
BROWN	<u>A</u>
MCDONALD	<u>A</u>
REIS	<u>A</u>
KANE	<u>A</u>

CARRIED: Y ✓ N   

**PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES**

**VARIANCE APPROVED:** M)      S)      VOTE: A      N     .

**GANN**  
**LOCEY**  
**BROWN**  
**MC DONALD**  
**REIS**  
**KANE**

**CARRIED: Y\_\_\_\_\_N\_\_\_\_\_.**

[illegible]

**TOWN OF NEW WINDSOR**  
**ZONING BOARD OF APPEALS**

**RECEIPT OF ESCROW RECEIVED:**

DATE RECEIVED: 11-02-05

FOR: **ESCROW 05-71**

FROM:


**Lewis Evangelisto (for Detoro)**  
**3 Francis Street**  
**Newburgh, NY 12550**

CHECK NUMBER: **764**

TELEPHONE: **562-5523**

AMOUNT: **300.00**

RECEIVED AT COMPTROLLER'S OFFICE BY:

  
\_\_\_\_\_  
NAME

11-4-05  
\_\_\_\_\_  
DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU

ZBA # 05-71 Application Fee

**Town of New Windsor**  
555 Union Avenue  
New Windsor, NY 12553  
(845) 563-4611

**RECEIPT**  
**#1061-2005**

11/04/2005

Detoro, Thomas

Received \$ 50.00 for Zoning Board Fees, on 11/04/2005. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green  
Town Clerk

# TOWN OF NEW WINDSOR

## REQUEST FOR NOTIFICATION LIST

DATE: 11-02-05 PROJECT NUMBER: ZBA# 05-71 P.B. #       

APPLICANT NAME: LEWIS EVANGELISTO

PERSON TO NOTIFY TO PICK UP LIST:

Lewis Evangelisto (for Detoro)

3 Francis Street

Newburgh, NY 12550

TELEPHONE: 562-5523

TAX MAP NUMBER:	SEC. <u>13</u>	BLOCK <u>12</u>	LOT <u>14.1</u>
	SEC. <u>      </u>	BLOCK <u>      </u>	LOT <u>      </u>
	SEC. <u>      </u>	B LOCK <u>      </u>	LOT <u>      </u>

PROPERTY LOCATION: 45 MERLINE AVENUE  
NEW WINDSOR, NY

THIS LIST IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD:       

SITE PLAN OR SUBDIVISION: (ABUTTING AND ACROSS ANY STREET)       

SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET)       

AGRICULTURAL DISTRICT:  
(ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'  
OF SITE PLAN OR SUBDIVISION PROJECT)       

❖ ❖

NEW WINDSOR ZONING BOARD XXX

LIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT XXX

❖ ❖

AMOUNT OF DEPOSIT: 25.00 CHECK NUMBER: 762

TOTAL CHARGES:



# **Town of New Windsor**

**555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4689**

## **ZONING BOARD OF APPEALS**

November 2, 2005

Lewis Evangelisto (for Detoro)  
3 Francis Street  
Newburgh, NY 12550

**SUBJECT: REQUEST FOR VARIANCE #05-71**

Dear Mr. Evangelisto:

This letter is to inform you that you have been placed on the November 14<sup>th</sup>, 2005 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

Detoro  
45 Merline Avenue  
New Windsor, NY

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have a problem with this time and/or date, please contact me at the above number and we will reschedule your appearance. If you have any further questions, please feel free to contact me.

Very truly yours,

---

Myra Mason, Secretary  
Zoning Board of Appeals

MLM:mlm



**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**



**APPLICATION FOR VARIANCE**

\_\_\_\_\_  
Date

Application Type: Use Variance ☐ Area Variance ☐  
Sign Variance ☐ Interpretation ☐

I. **Owner Information:** Phone Number: (845) 562-5523  
Fax Number: ( )

Thomas DiToro  
(Name)  
45 MERLINE AVE  
(Address)

II. **Applicant:** Phone Number: (845) 562-5523  
Fax Number: ( )

Lewis Revangelisto  
(Name)  
3 Francis St Newburgh, NY 12550  
(Address)

III. **Forwarding Address, if any, for return of escrow:** Phone Number: ( )  
Fax Number: ( )

\_\_\_\_\_  
(Name)  
\_\_\_\_\_  
(Address)

IV. **Contractor/Engineer/Architect/Surveyor/:** Phone Number ( )  
Fax Number: ( )

\_\_\_\_\_  
(Name)  
\_\_\_\_\_  
(Address)

V. **Property Information:**

Zone: R-4 Property Address in Question: 45 MERLINE AVE, NEW WINDSOR  
Lot Size: \_\_\_\_\_ Tax Map Number: Section 13 Block 12 Lot 14.1

a. What other zones lie within 500 feet? \_\_\_\_\_  
b. Is pending sale or lease subject to ZBA approval of this Application? YES  
c. When was property purchased by present owner? \_\_\_\_\_  
d. Has property been subdivided previously? NO If so, When: \_\_\_\_\_  
e. Has an Order to Remedy Violation been issued against the property by the  
Building/Zoning/Fire Inspector? NO  
f. Is there any outside storage at the property now or is any proposed? SHRN

\*\*\*\*PLEASE NOTE:\*\*\*\*\*

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF  
SUBMITTAL.**

**COMPLETE THIS PAGE ☐**

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

**VIII. AREA VARIANCE: (This information will be on your Building Department Denial form you receive)**

Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area			
Min. Lot Width			
Reqd. Front Yd.	35'	17'.5	17'.5
Reqd. Side Yd.	12'	10'.5	1'.5
Reqd. Rear Yd.			
Reqd. St Front*			
Max. Bldg. Hgt.			
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ration**			
Parking Area			

\*Residential Districts Only

\*\*Non-Residential Districts Only

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

**COMPLETE THIS PAGE ☐**

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

*These items existed since 1975, and  
one has complained, similar to other ones in  
the neighborhood.*

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

**XII. ADDITIONAL COMMENTS:**

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
- 
- 

**XIII. ATTACHMENTS REQUIRED:**

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
- ☐ One in the amount of \$ 300.00 or 500.00 (escrow)
- ☐ One in the amount of \$ 50.00 or 150.00 (application fee)
- ☐ One in the amount of \$ 25.00 (Public Hearing List Deposit)
- ☐ Photographs of existing premises (5 or 6) from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)

**XIV. AFFIDAVIT.**

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE )

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

17<sup>th</sup> day of October 2005.

Louis J. Evangelisto  
Owner's Signature (Notarized)

Louis H. Evangelisto  
Owner's Name (Please Print)

DL# 923-947455  
exp. 06-07-07

Jennifer Mead  
Signature and Stamp of Notary

JENNIFER MEAD  
Notary Public, State Of New York  
No. 01ME6050024  
Qualified In Orange County  
Commission Expires 10/30/2006

Applicant's Signature (If not Owner)

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

COMPLETE THIS PAGE ☐

copy

**DURABLE GENERAL POWER OF ATTORNEY**  
**NEW YORK STATUTORY SHORT FORM**

THE POWERS YOU GRANT BELOW CONTINUE TO BE EFFECTIVE  
SHOULD YOU BECOME DISABLED OR INCOMPETENT

(CAUTION: THIS IS AN IMPORTANT DOCUMENT. IT GIVES THE PERSON WHOM YOU DESIGNATE (YOUR "AGENT") BROAD POWERS TO HANDLE YOUR PROPERTY DURING YOUR LIFETIME, WHICH MAY INCLUDE POWERS TO MORTGAGE, SELL OR OTHERWISE DISPOSE OF ANY REAL OR PERSONAL PROPERTY WITHOUT ADVANCE NOTICE TO YOU OR APPROVAL BY YOU. THESE POWERS WILL CONTINUE TO EXIST EVEN AFTER YOU BECOME DISABLED OR INCOMPETENT. THESE POWERS ARE EXPLAINED MORE FULLY IN NEW YORK GENERAL OBLIGATIONS LAW, ARTICLE 5, TITLE 15, SECTIONS 5-1502A THROUGH 5-1503, WHICH EXPRESSLY PERMIT THE USE OF ANY OTHER OR DIFFERENT FORM OF POWER OF ATTORNEY.

THIS DOCUMENT DOES NOT AUTHORIZE ANYONE TO MAKE MEDICAL OR OTHER HEALTH CARE DECISIONS FOR YOU. YOU MAY EXECUTE A HEALTH CARE PROXY TO DO THIS.

IF THERE IS ANYTHING ABOUT THIS FORM THAT YOU DO NOT UNDERSTAND, YOU SHOULD ASK A LAWYER TO EXPLAIN IT TO YOU.)

THIS is intended to constitute a DURABLE GENERAL POWER OF ATTORNEY pursuant to Article 5, Title 15 of the New York General Obligations Law:

I, **Thomas W. De Toro**, having an address at 45 Monticello Avenue New Windsor, New York, hereby make, constitute and appoint **Louis Evangelisto**, having an address at Frances Drive, Balmville, New York, or if Louis Evangelisto is unable, unwilling or unavailable to act, then **Thomas De Toro**, having an address at Quassic Avenue, New Windsor, New York, as my attorney-in-fact TO ACT IN MY NAME, PLACE AND STEAD in any way which I myself could do, if I were personally present, with respect to the following matters as each of them is defined in Article 5, Title 15 of the New York General Obligations Law, to the extent that I am permitted by law to act through an agent:

(DIRECTIONS: Initial in the blank space to the left of your choice any one or more of the following subdivisions as to which you WANT to give the agent authority. If the blank space to the left of any particular lettered subdivision is NOT initialed, NO AUTHORITY WILL BE GRANTED for matters that are included in that subdivision. Alternately, the letter corresponding to each power you wish to grant may be written or typed on the blank line in

subdivision "(Q)", and you may then put your initials in the blank space to the left of subdivision "(Q)" in order to grant each of the powers indicated.)

- ☒ (A) real estate transactions;
- ☒ (B) chattel and goods transactions;
- ☒ (C) bond, share and commodity transactions;
- ☒ (D) banking transactions;
- ☒ (E) business operating transactions;
- ☒ (F) insurance transactions;
- ☒ (G) estate transactions;
- ☒ (H) claims and litigation;
- ☒ (I) personal relationships and affairs;
- ☒ (J) benefits from military service;
- ☒ (K) records, reports and statements;
- ☒ (L) retirement benefit transactions;
- ☒ (M) making gifts to my spouse, children and more remote descendants, and parents;
- ☒ (N) tax matters;
- ☒ (O) all other matters;
- ☒ (P) full and unqualified authority to my attorney-in-fact to delegate any or all of the foregoing powers to any person or persons whom my attorney-in-fact shall select;
- ☒ (Q) each of the above matters identified by the following letter: \_\_\_\_\_

In addition, I specifically authorize my attorney-in-fact to make gifts, outright or in trust, of my property to or for the benefit of such persons as, in the opinion of my attorney-in-fact, would be the donees I might choose, having in mind the resources, both public and private, available for my care after the making of such gifts, and having in mind the objective of preserving the largest amount of my property for my family as a whole. Notwithstanding the foregoing, any gifts that are made to my attorney-in-fact, or to the creditors of my attorney-in-fact, or to the estate of my attorney-in-fact, or to the creditors of the estate of my attorney-in-fact, pursuant to the foregoing power (1) shall in no event exceed in aggregate (with respect to each attorney-in-fact) the greater of \$5,000 or five percent of all assets subject to this power in a given calendar year, on a non-cumulative basis, and (2) may be made only during the first ninety (90) days after the effective date of this power of attorney or during the first ninety (90) days of each calendar year thereafter while this power of attorney is in effect.

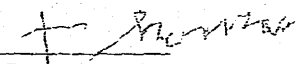
This durable power of attorney shall not be affected by my subsequent disability or incompetence.

I will not question the sufficiency of any instrument executed by my attorney-in-fact pursuant to this power of attorney notwithstanding that the instrument fails to recite the consideration therefor or recites merely a nominal consideration. Any person dealing with the subject matter of such instrument may do so as if full consideration therefor had been expressed therein.

TO INDUCE ANY THIRD PARTY TO ACT HEREUNDER, I HEREBY AGREE THAT ANY THIRD PARTY RECEIVING A DULY EXECUTED COPY OR FACSIMILE OF THIS POWER OF ATTORNEY MAY ACT HEREUNDER, AND THAT REVOCATION OR TERMINATION HEREOF SHALL BE INEFFECTIVE AS TO SUCH THIRD PARTY UNLESS AND UNTIL ACTUAL NOTICE OR KNOWLEDGE OF SUCH REVOCATION OR TERMINATION SHALL HAVE BEEN RECEIVED BY SUCH THIRD PARTY. I, FOR MYSELF AND MY HEIRS, EXECUTORS, LEGAL REPRESENTATIVES AND ASSIGNS, HEREBY AGREE TO INDEMNIFY AND HOLD HARMLESS ANY SUCH THIRD PARTY FROM AND AGAINST ANY AND ALL CLAIMS THAT MAY ARISE AGAINST SUCH THIRD PARTY BY REASON OF SUCH THIRD PARTY HAVING RELIED UPON THE PROVISIONS OF THIS POWER OF ATTORNEY.

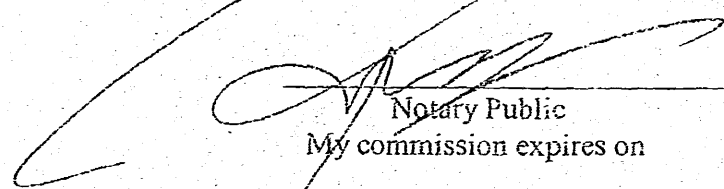
THIS DURABLE GENERAL POWER OF ATTORNEY MAY BE REVOKED BY ME AT ANY TIME.

IN WITNESS WHEREOF, I have hereunto signed my name this 30th day of May, 2003.

  
\_\_\_\_\_  
Thomas W. De Toro

STATE OF NEW YORK, COUNTY OF ORANGE COUNTY, ss.

On the 30<sup>th</sup> day of May, 2003, before me, the undersigned notary public, personally appeared Thomas W. De Toro, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

  
\_\_\_\_\_  
Notary Public  
My commission expires on

RONALD J. COHEN #4740510  
NOTARY PUBLIC, State of New York  
Qualified in Orange County  
Commission Expires March 30, 2005

**AFFIDAVIT THAT POWER OF ATTORNEY  
IS IN FULL FORCE AND EFFECT**

STATE OF NEW YORK, COUNTY OF ORANGE COUNTY, ss.

I, \_\_\_\_\_, being duly sworn, depose and say:

THAT Thomas W. De Toro, having an address at \_\_\_\_\_  
New Windsor, New York, as principal, did, in a writing dated May 30, 2003, appoint me his  
true and lawful attorney-in-fact, and that attached hereto is a true copy of said power of  
attorney.

THAT I have no actual knowledge or actual notice of the revocation or  
termination of the aforesaid power of attorney by death or otherwise, or knowledge of any  
facts indicating the same. I further represent, to the best of my knowledge after diligent  
search and inquiry, that: said principal is now alive; has not, at any time, revoked,  
terminated, suspended or repudiated the power of attorney; and the power of attorney still  
is in full force and effect.

THAT I make this affidavit for the purpose of inducing  
to accept delivery of the following instrument(s), as executed by me in my capacity of  
attorney-in-fact of said principal, with full knowledge that this affidavit will be relied upon  
in accepting the execution and delivery of said instrument(s) and in paying good and valuable  
consideration therefor:

Dated: 7/21/03

Lewis S. Langella

Subscribed and sworn to before me  
on 7/31/03

Lewis S. Langella  
Notary Public

My commission expires on 7/31/05

RONALD S. PALMER SR.  
Notary Public, State of New York  
No. 01PA5047289  
Qualified in Orange County  
Commission Expires July 31, 2005



# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NY 12553  
(845) 563-4615 (MYRA MASON)



## ZONING BOARD PROCEDURES

PLEASE READ AND COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION (LOOK FOR HIGHLIGHT IN BOX IN LOWER RIGHT CORNER OF EACH PAGE) AND RETURN TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

**RESIDENTIAL: (Three Separate Checks Please)**

APPLICATION FEE:	\$ 50.00
*ESCROW:	\$300.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

**MULTI-FAMILY: (Three Separate Checks Please)**

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

**COMMERCIAL: (Three Separate Checks Please)**

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

**INTERPRETATION: (Three Separate Checks Please)**

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

UPON RECEIPT OF ALL APPLICABLE PAPERWORK AND CHECKS, YOU WILL BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING". YOU DO NOT NEED YOUR PUBLIC HEARING LIST OR ENVELOPES FOR THIS FIRST MEETING.

\* \*

### ESCROW

IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, LEGAL ADS, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

\* \*

LIST OF PROPERTY OWNERS  
WITHIN 500 FT. RADIUS OF  
PROPERTY IN QUESTION:

APPROXIMATE COST FOR  
PUBLIC HEARING LIST:

1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00

ANYTHING OVER 100 NAMES  
IS \$1.00 EA. ADDITIONAL  
NAME

## **PUBLIC HEARING LIST OF PROPERTY OWNERS**

1. UPON RECEIPT OF ALL APPLICABLE CHECKS AND PAPERWORK, YOUR APPLICATION WILL BE PROCESSED AND YOUR \$25.00 DEPOSIT WILL BE SENT TO THE ASSESSOR'S OFFICE TO ORDER YOUR LIST OF PROPERTY OWNERS WITHIN 500 FEET. **(NOTE: YOU DO NOT NEED THIS LIST OR THE ENVELOPES FOR YOUR FIRST (PRELIMINARY) MEETING. Please do not call the Assessor's Office looking for your list – they will contact you when it is ready or if necessary, call Myra at 845-563-4615.**
2. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR PUBLIC HEARING LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THE LIST WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE).
3. PREPARE AN ENVELOPE (self-sealing envelopes are much appreciated) FOR EACH LABEL WITH YOUR RETURN ADDRESS AND A REGULAR \$.37 STAMP. BRING THE PREPARED ENVELOPES AND A COPY OF THE LIST TO THE ZONING BOARD SECRETARY FOR MAILING. YOUR PUBLIC HEARING DATE WILL BE SCHEDULED AT THIS TIME.

### **NOTE:**

**IF IT IS EASIER FOR YOU, YOU CAN BRING THE ENVELOPES WITH YOU WHEN YOU PICK UP AND PAY FOR YOUR LIST. YOU CAN PUT THE LABELS ON AT THAT TIME AND BRING THEM TO THE ZBA OFFICE FOR COMPLETION.**

### **NOTE:**

**THE ZBA MEETS ON THE 2<sup>ND</sup> AND 4<sup>TH</sup> MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE.**